

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER ANN FEDOREK,)	
)	
Plaintiff,)	
)	Civil Action No. 05-186 Erie
v.)	
)	
RONALD SNYDER and KEOKEE CRAFT,)	
)	
Defendants)	Jury Trial Demanded

DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Defendants Ronald Snyder and Keokee Craft respectfully submit the following Defendants' Response to Plaintiff's Motion to Compel Discovery in response to the Motion for an Order Compelling Discovery filed by plaintiff Jennifer Ann Fedorek on September 7, 2006.

1. On July 31, 2006 plaintiff served two sets of interrogatories and one set of requests for production. One set of interrogatories was directed to defendant Ronald Snyder and the other was directed to defendant Keokee Craft. The requests for production were directed to both defendants.

2. On September 4, 2006 the answers to interrogatories of defendant Keokee Craft and defendants' responses to the requests for production were served on plaintiff.

3. **Fed.R.Civ.P. 33(b)(3)** provides that answers to interrogatories are to be served within 30 days after service of the interrogatories.

4. **Fed.R.Civ.P. 34(b)** provides that responses to request for production are to be served within 30 days after service of the requests.

5. **Fed.R.Civ.P. 6(e)** provides that "[w]henver a party must or may act within a prescribed period after service and service is made under Rule 5(b)(2)(B), (C), or (D), 3 days are added after the prescribed period would otherwise expire under subdivision (a)."

6. **Fed.R.Civ.P. 5(b)(2)(B)** provides for service by mail and indicates that “[s]ervice by mail is complete on mailing.”

7. **Fed.R.Civ.P. 6(a)** provides that when computing periods of time, “[t]he last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday... .”

8. Therefore, pursuant to these rules the 30-day period of time for answering plaintiff’s written discovery served on July 31, 2006 expired on September 5, 2006. Defendant Craft served her answers to interrogatories on September 4, 2006 and defendants served their responses to plaintiff’s requests for production on the same date. Accordingly, those answers and responses were served in a timely manner.

9. Defendant Snyder was the warden of the Venango County Prison during the time period in question in this action. Defendant Snyder has since left his employment with the County of Venango and his counsel in this action has experienced difficulty in making contact with him and, therefore, the answers to the interrogatories directed to defendant Snyder have not yet been served.

WHEREFORE, defendants Ronald Snyder and Keokee Craft respectfully request that plaintiff’s Motion for an Order Compelling Discovery be denied as to defendant Keokee Craft and in relation to plaintiff’s requests for production, but that an order issue requiring defendant Ronald Snyder to provide answers to the interrogatories directed to him within twenty days of the issuance of the order.

Respectfully submitted,

/s/ James T. Marnen

James T. Marnen

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2006 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will not send notification of such filing to anyone, as the only other party is a non-CM/ECF participant, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant: plaintiff, Jennifer Ann Fedorek.

/s/ James T. Marnen
James T. Marnen